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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,843	01/16/2004	Makoto Suenaga	5095-4082	8735

7590 04/06/2006

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EXAMINER

GROSSO, HARRY A

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,843

Applicant(s)

SUENAGA, MAKOTO

Examiner

Harry A. Grosso

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/6/06</u> | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 1, 2006 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 102(b) as anticipated by Yokocho et al (of record).

1. Regarding claim 1, Yokocho et al discloses a resin tank (Figure 7, column 2, lines 50-52) with a hole that is circular (35, 38, 39) to fit the pipe sealing member (61, 63, Figures 3 and 7, column 5, lines 51-53), which closely fits the hole and has a pipe (73, 74, 76, column 6, lines 1-11) installed. The pipe sealing member is closely fitting to seal the tank. The outer diameter of the sealing member increases stepwise from the closely fitting portion and then decreases continuously as shown in Figure 7. The hole for mounting of sealing member 63 is round and the cross-section shown in Figure 7

shows that the pipe 76 would have a concentric circle with the mounting hole and with the closely sealing portion of the pipe sealing member.

2. Regarding claim 2, Yokocho et al discloses the pipe is passed through and held by the pipe sealing member so it would be detachable (column 6, lines 1-11).

3. Regarding claim 4, Yokocho et al discloses a pipe sealing member with at least a pipe fitting hole (63, Figure 7)

4. Regarding claim 5, Yokocho et al discloses a pipe sealing member with plural pipe fitting holes (61, Figure 7, column 6, line 1-7)

5. Regarding claim 6, Yokocho et al discloses a pipe sealing member that must be elastic in order to be inserted in the fitting holes and have pipes inserted and held in place and the pipe fitting hole is concentric with the closely fitting portion (63, Figure 7).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2 and 4-6 are rejected, in the alternative, under 35 U.S.C. 103(a) as obvious over Yokocho et al in view of Bull et al (2,897,533).

Regarding claim 1, Yokocho et al discloses a resin tank (Figure 7, column 2, lines 50-52) with a hole that is circular (35, 38, 39) to fit the pipe sealing member (61, 63, Figures 3 and 7, column 5, lines 51-53), which closely fits the hole and has a pipe (73, 74, 76, column 6, lines 1-11) installed. The pipe sealing member is closely fitting to

seal the tank. The hole for mounting of sealing member 63 is round and the cross-section shown in Figure 7 shows that the pipe 76 would have a concentric circle with the mounting hole and with the closely sealing portion of the pipe sealing member.

Bull et al discloses a pipe sealing member (10) and the outer diameter of the pipe sealing member increases stepwise then decreases continuously from the closely fitting portion (18) toward the inside of the tank (Figure 3, where 28 is the tank wall and surface 16 of the sealing member is inside the tank). The pipe sealing member is tubular and has a passage (12) therethrough in which the pipe (34) is inserted (column 1, lines 43-45). The passage and the pipe have a concentric circle with each other and with the sealing member. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a pipe sealing member that increases stepwise then decreases continuously from the closely fitting portion toward the inside of the tank as disclosed by Bull et al in the tank disclosed by Yokocho et al to provide for easier insertion of the pipe sealing member in the tank and an improved seal at the closely fitting portion of the pipe sealing member.

8. Regarding claim 2, Yokocho et al discloses the pipe is passed through and held by the pipe sealing member so it would be detachable (column 6, lines 1-11).

9. Regarding claim 4, Yokocho et al discloses a pipe sealing member with at least a pipe fitting hole (63, Figure 7)

10. Regarding claim 5, Yokocho et al discloses a pipe sealing member with plural pipe fitting holes (61, Figure 7, column 6, line 1-7)

11. Regarding claim 6, Yokochi et al discloses a pipe sealing member that must be elastic in order to be inserted in the fitting holes and have pipes inserted and held in place and the pipe fitting hole is concentric with the closely fitting portion (63, Figure 7).

12. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fish et al (Fish), of record, in view of Bull et al (2,897,533).

13. Regarding claim 1, Fish discloses a resin (plastic) tank (10, column 3, lines 24-26) with a hole that is circular (16, column 5, lines 47-49) to fit the pipe sealing member (18, Figures 1-3), which closely fits the hole (column 3, lines 31-34) and has a pipe (34) installed. The pipe 34 in the center of the pipe sealing member has a concentric circle with the pipe sealing member

Fish does not teach that the outer diameter of the pipe sealing member increases stepwise then decreases continuously from the closely fitting portion toward the inside of the tank. Bull et al discloses a pipe sealing member (10) and the outer diameter of the pipe sealing member increases stepwise then decreases continuously from the closely fitting portion (18) toward the inside of the tank (Figure 3, where 28 is the tank wall and surface 16 of the sealing member is inside the tank). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a pipe sealing member that increases stepwise then decreases continuously from the closely fitting portion toward the inside of the tank as disclosed by Bull et al in the tank disclosed by Fish to provide for easier insertion of the pipe sealing member in the tank and an improved seal at the closely fitting portion of the pipe sealing member.

14. Regarding claims 2 and 3, Fish discloses that the pipe (34) can be integrally formed with the pipe sealing member or be a separate detachable member (column 4, line 66 to column 5, line 5).

15. Regarding claims 4 and 5, Fish discloses the pipe sealing member has plural holes (Figure 1).

16. Regarding claim 6, Fish discloses that the pipe sealing member is made of elastic material (column 4, lines 4-5), and has a hole that is concentric with the closely fitting portion (Figure 3).

17. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yokocho et al, or Yokocho et al and Bull et al, or Fish and Bull et al, in view of Clevenger et al (2002/0158073 A1, October 31, 2002). Clevenger et al discloses an oil tank made from resin (plastic, paragraph 0015) common in rotomolded tanks used for oil reservoir tanks. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have made use of the resin tank as an oil tank since use of plastic tanks is common for this application.

18. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yokocho et al, or Yokocho et al and Bull et al, or Fish and Bull et al, in view of the prior art cited by applicant. In this application, 10/759,843, applicant identifies the use of metallic pipes in a pipe sealing member as known in the prior art (43a-43d, Figure 7, lines 20-21) It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of metallic pipes as disclosed by applicant in the resin tank since the use of metallic pipes is known in the art.

Response to Arguments

19. Applicant's arguments filed December 29, 2005 have been fully considered but they are not persuasive. Applicant argues that Yokochi et al does not disclose a pipe sealing member through which a pipe is installed coaxially. In response, amended claim 1 recites "the pipe and the pipe sealing member having a concentric circle with each other." The pipe and the hole through which it passes (part of the pipe sealing member) have a concentric circle. In addition the hole in which the pipe sealing member is fitted is circular and it is evident from the cross-sectional view of the hole and sealing member 63 in Figure 7 that the pipe would have a concentric circle with the closely sealing portion of the sealing member since there is no reason to believe the pipe would be mounted off-center in the sealing member.

20. Applicant argues that Yokochi et al does not teach a pipe sealing member that increases stepwise and then decreases continuously from the closely fitting portion. In response, the sealing members (61, 63) are closely fitting in their mounting holes, increasing in diameter in a stepwise manner below the closely fitting section and then decreasing in diameter below that point as can be seen in Figure 7. Additionally the reference Bull et al teaches a pipe sealing member that clearly discloses the claimed structure.

21. Applicant argues that Fish et al and Clevenger et al do not teach the pipe sealing member that increases stepwise and then decreases continuously from the closely fitting portion. In response, these references are not depended upon to teach that feature.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry A. Grosso whose telephone number is 571-272-4539. The examiner can normally be reached on Monday through Thursday from 7am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nathan Newhouse
Supervisory Patent Examiner
Art Unit 3727

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